



Tennessee Department of Environment and Conservation
Division of Water Pollution Control
Mining Section
3711 Middlebrook Pike
Knoxville, Tennessee 37921-6538
PHONE (865) 594-6035 FAX (865) 594-5253

Public Participation Opportunities

November 26, 2008

Public Notice M2008-23

Last Day to Submit Comments: January 5, 2008

The purpose of this notice is to advise the public of the following draft environmental permits and to solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment.

Individual NPDES Permits

Coal Proposed Reissuance

Applicant	Appolo Fuels, Inc.
Facility	Jellico Strip Mine
NPDES Permit Number	TN0076414
County	Claiborne
Street Address	Tennessee Route 90
City	Clairfield
Zip	37715
Description of Activity	Surface coal mine
Receiving Streams	Clear Fork, Pigeon Roost, Hurricane Cr., Bear Cr., and Valley Cr.
Effluent Description	Treated wastewater and stormwater
Facility Latitude	36°34'15"
Facility Longitude	83°54'46"
Permit Writer	MRR

Non-Coal Proposed Issuance

Applicant	Martin Sand and Gravel
Facility	Middle Mine
NPDES Permit Number	TN0069221
County	Hardin
Street Address	2410 Red Sulphur Road
City	Counce
Zip	38326
Description of Activity	Construction sand and gravel
Receiving Stream	Red Sulphur Springs Branch
Effluent Description	Treated wastewater and stormwater
Facility Latitude	35°00'52"
Facility Longitude	88°14'33"
Permit Writer	MES

Non-Coal Proposed Modification and Reissuance

Applicant	J. R. Hayes Construction Company, Inc.
Facility	South Fork Plant
NPDES Permit Number	TN0060348
County	Henry
Street Address	1389 Joe Milan Road
City	Paris
Zip	38242
Description of Activity	Construction sand and gravel mining
Receiving Stream	Unnamed tributary to South Fork Eagle Creek
Effluent Description	Treated wastewater and storm water
Facility Latitude	36°24'33"
Facility Longitude	88°09'31"
Permit Writer	SJT

TDEC is requesting public comment on these permit actions. Obtaining a broad range of facts and opinions on Agency actions is one of the best ways to ensure quality decisions. Persons wishing to comment on these proposed actions are invited to submit comments in writing to the Mining Section at the above letterhead address, Attn: Public Notice Coordinator, by fax (865) 594-5253 or by e-mail at Gary.Mullins@state.tn.us. Comments must be received by the end of comment period date (see page 1).

How to Request a Public Hearing

Interested persons may request in writing that the Director of the Division of Water Pollution Control hold a public hearing on any application. The request must be filed within the comment period and must indicate the interest of the party filing it and the reasons why such a hearing is warranted. When there is significant public interest for a hearing, a hearing will be conducted according to *Rule 1200-4-5-.06 (12)* of the Division of Water Pollution Control. Public hearings will be announced through another public notice.

How the Department Will Proceed

The Director of the Division of Water Pollution Control will determine the final permit action after considering comments submitted during the comment period, the hearing record, if any, and the requirements of the Federal and State acts and regulations.

To Obtain Permit Details

Draft permits contain Antidegradation Determinations and Rationales that address information concerning the foundation for the Division's determinations. Copies of the application(s), draft permit(s), and supporting documentation are in the permit files maintained at the Mining Section's office located at the letterhead address. There is a nominal fee for copying. These files are available for public inspection during normal visiting hours. Please email Tina.E.Jones@state.tn.us or call (865) 594-5616 to schedule an appointment for the review(s).

List of Permit Writers

KBG	Kristen Gettelfinger	865-594-5545	Kristen.Gettelfinger@state.tn.us
JPJ	Jesse Jones	865-594-5543	Jesse.P.Jones@state.tn.us
GWM	Gary Mullins	865-594-5536	Gary.Mullins@state.tn.us
MRR	Micheal Robbins	865-594-5542	Micheal.Robbins@state.tn.us
MES	Michael Swanger	865-594-5595	Michael.Swanger@state.tn.us
SJT	Steven Turaski	865-594-5584	Steven.Turaski@state.tn.us
DAT	Dave Turner	865-594-5541	Dave.Turner@state.tn.us

State of Tennessee Antidegradation Policy

Tennessee's Antidegradation Statement is in Chapter 1200-4-3-.06 of the *Rules of the Tennessee Department of Environment and Conservation*. The primary purpose of the Antidegradation Policy is to establish a greater level of protection for high quality waters. Some high quality waters are in near-pristine condition. Others are determined to be high quality due to specialized uses and/or unique features.

Generally, there are two types of high quality waters. Outstanding National Resource Waters (ONRWs) receive the greatest level of protection. The Water Quality Control Board designates these waters. New discharges or expansion of existing discharges cannot degrade existing water quality.

The Department identifies other high quality waters known as Exceptional Tennessee Waters and protects against their degradation. The Department may allow some degradation if the Department deems it economically and socially necessary.

Non Exceptional Tennessee Waters refer to surface waters that do not have the identification and/or designation as high quality. These waters must achieve and maintain Tennessee's Water Quality Standards.

State of Tennessee Policy of Non-Discrimination

Pursuant to the State of Tennessee's policy of non-discrimination, the Tennessee Department of Environment and Conservation does not discriminate on the basis of race, sex, religion, color, national or ethnic origin, age, disability, or military service in its policies, or in the admission or access to, or treatment or employment in its programs, services or activities. Equal Employment Opportunity/Affirmative Action inquiries or complaints should be directed to the EEO/AA Coordinator, Office of General Counsel, 401 Church Street, 20th Floor, L & C Tower, Nashville, TN 37243, 1-888-867-7455. Americans with Disabilities Act (ADA) inquiries or complaints should be directed to the ADA Coordinator, Human Resources Division, 401 Church Street, 12th Floor, L & C Tower, Nashville, TN 37243, 1-866-253-5827. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).